



State of Delaware
Clean Water Advisory Council
5 E. Reed Street, Suite 200
Dover, Delaware 19901

Telephone: (302) 739-9941
FAX: (302) 739-2137

Minutes of the 91st Meeting

June 24, 2009

The Delaware Clean Water Advisory Council met Wednesday, June 24, 2009 at 9:00 a.m., at the Kent County Administrative Complex, Conference Room 220, 555 Bay Road, Dover, Delaware.

MEMBERS PRESENT:

Joe Corrado, Chair
Jeffrey Bross, Vice-Chair
Kevin Anderson
Lee Beetschen
Andy Burger
Joseph Charma
Eugene Dvornick
Andy Manus
Hans Medlarz
Robert Stickels

OTHERS PRESENT WERE:

Terry Deputy, DWR/Financial Assistance Branch
Daisy Lopez, DWR/Financial Assistance Branch
Davison Mwale, DWR/Financial Assistance Branch
Frank Paquette, DWR/Financial Assistance Branch
Reza Moqtaderi, DWR/Financial Assistance Branch
Greg Pope, DWR/Financial Assistance Branch
Frank Piorko, Division of Soil and Water Conservation
Kathy Bunting-Howarth, Division of Water Resources
Kevin Donnelly, New Castle Conservation District
Jeff James, Sussex County
Bill Remington, Davis, Bowen & Friedel
John Ashman, Sussex County
Ken Branner, Artesian Water
David Athey, URS Corp
Mike Izzo, Sussex County
Ryan Flickinger, KCI
Scott Andres, DGS
Jen Campagnini, DNREC/Office of the Secretary
David Baker, Sussex County
Jon Husband, New Castle County Special Services
Susan Webb, Rehoboth Beach

Sam Cooper, Rehoboth Beach
Larry Irelan, New Castle Conservation District
Stan Mills, Rehoboth Beach
Brian Kelly, DNREC/DCMP
Jennalee Rufft, DGS
Bruce Kraenter, Artesian
Rodney Wyatt, Artesian
Hugo Dreibelbis, DelDOT
Thom May, DHSS
Paul Hyland, DHSS
Brain Carbaugh, Artesian
Dan String, Greenstone Engineer
Jeff Holmes
Cherie Clark, DNREC
Bob Zimmerman, DNREC, Office of the Secretary
Tim Sullivan, DNREC, DSWC
Christopher Fazio, Remington, Vernick & Beech Engineers

CALL TO ORDER

Meeting came to order at 9:00 am.

APPROVAL OF THE AGENDA

Because some Council Members need to leave the meeting early, the following changes were made to the agenda:

After items 1 -3, the agenda will move to New Business to items 6, 9, 10, and 11.

Motion made by Mr. Burger and Mr. Manus, seconded by Mr. Dvornick to approve the agenda as amended. Agenda approved unanimously.

APPROVAL OF MINUTES – Public Hearing and Council Meeting held on April 22, 2009

Motion made to approve the meeting minutes, seconded by Mr. Dvornick. Motion passed unanimously.

Mr. Corrado welcomed new Council member Joseph Charma.

NEW BUSINESS

Proposed Draft Reassessment of All Wastewater Treatment Plants – Scope of Work

At the CWAC Planning Meeting held on June 1, 2009 the Council had a discussion in regards to reassessment of all Wastewater Needs. A handout was provided to the Council on the Proposed Scope of Work-Concept.

The Proposed Scope of Work-Concept handout provided two tasks of services of what the Contractor would provide and states the following:

- Task I: Develop a database of municipal wastewater utilities infrastructure and estimated current and future financing needs that is compatible with a variety of Smart Geographic Mapping Systems (GIS).

It was asked what the timeframe may be for the Department to gather information for item number 1 of the handout. It was stated that internally it could take 3 to 4 weeks to gather all the information as it is the intent of the Department to work with EPA, the Public Service Commission, and Office of Planning to gather this information. The entire project could take 6 to 8 months.

It was stated that at the planning meeting it was considered looking at the potential for Electrical Power Cogeneration and should be listed under item 2B in the handout.

It was suggested that it would be helpful if the Reuse aspect of the data collection included a mapping of all Agricultural Preservation Farms.

- Task II: Develop a survey data and interview information within a geospatial data format to use to develop GIS layers that can be overlaid on to shape files of service areas. This will include working with the Office of State Planning Coordination to obtain additional data layers and shapefiles to assist with data analysis, interpretation and report development and writing. The data analysis and report development and writing should be at the municipal wastewater utility and service area level and aggregated to the county and state levels as appropriate.

It was suggested that impact/connections fees be included under 1d which asks, “What is the basis for residential, commercial, and industrial sewer user rate charge?”

The Council had a discussion on considering Unified County Water Sewer rates. There were many comments that it would be an advantage to have Unified County Sewer rates but concerns were raised that they would face legal challenges. It was suggested that the Council look into the establishment of unified county water sewer rates; research what the legal impediments are and what options are available to remove those impediments.

Mr. Corrado stated that he would like to give Mr. Deputy permission to start the process for the Wastewater needs assessment and suggested that the Council members thoroughly review the proposed scope of work concept and submit comments and suggestions in writing to Mr. Deputy.

Motion was made by Mr. Manus seconded by Mr. Bross to accept the Chairman’s recommendation to begin the process for the proposed scope. Motion passed unanimously.

Sussex County – Oak Orchard Sewer District Request

This project encompasses the expansion of the existing Oak Orchard Sanitary Sewer District which includes the existing communities of Orchard West, Driftwood Village, Captain’s Grant and River Village. Wastewater will be pumped to the Inland Bays Regional Wastewater Facility (IBRWF) for treatment and disposal.

The Water Pollution Control Revolving Fund (WPCRF) application contained a Preliminary Engineering Report; Environmental Assessment, Environmental Screening Checklist, and an Outline of Public Participation. After a technical review it was established that a public notification of the Finding of No Significant Impact (FONSI) would be necessary and is currently being processed. This project meets all necessary State Revolving fund requirements and the applicable state environmental laws.

The total project cost is \$16.1 million; other sources that will provide funding for this project are from USDA, the County and CWSRF. USDA will provide a loan in the amount of \$3.6 million and a grant in the amount of \$3.0 million; the County will provide a grant in the amount of \$300,000; CWSRF ARRA will provide funding in the amount of \$5.64 million with \$3.0 in principal forgiveness; and a CWSRF Base loan in the amount of \$3.56 million.

The loan will be secured by a General Obligation bond; the interest rate for the loan will be 2% if under contract by December 30, 2009. During construction, interest payments will be required. After completion of the project, \$3.0 million of the \$5.64 million CWSRF ARRA loan will be forgiven and the remaining portion of \$2.64 million and a base CWSRF loan of \$3.56 million will be amortized over 20 years.

Based on the sound financial status of the County, and positive environmental impact of the project, the Financial Assistance Branch recommends that the Council approve a binding commitment for two loans: CWSRF ARRA loan for \$5.64 million and CWSRF Base loan for \$3.56 million from the WPCRLF.

Motion made by Mr. Bross to approve the project request.

A question was raised as to what the policy of the Council is with respect to approving projects in Levels 3 and 4 areas. It was stated that the Council relies on Administrators to work through the process to make sure that the project meets the ranking criteria for funding in those areas and that municipalities recognize that those areas do not rank as high on the project list.

It was suggested that in the future, the Council would like to see comments and approvals from the Office of State Planning on justifying funding projects in levels 3 and 4 areas.

It was stated that this Council is sensitive to approving projects in those areas that are non-growth areas. Although the ranking criteria has been changed several times as needed and required to do so and may still need amending, it a good system that does work well in ranking projects.

The previous motion made passed with majority votes. Due to their affiliation with this project, Mr. Beetschen and Mr. Stickels abstained from voting.

Sussex County – Woodlands of Millsboro Sewer District Request

The Woodlands of Millsboro Sewer District has 57 lot subdivisions with failing on-site treatment disposal systems. This request will allow the County to eliminate existing treatment and disposal and pump wastewater to the Town of Millsboro treatment plant.

The Water Pollution Control Revolving Fund (WPCRF) application contained a Preliminary Engineering Report; Environmental Assessment, Environmental Screening Checklist, and an Outline of Public Participation. After a technical review it was established that a public notification of the Finding of No Significant Impact (FONSI) would be necessary and is currently being processed. This project meets all necessary State Revolving fund requirements and the applicable state environmental laws.

The total project cost is \$1.2 million; other sources that will provide funding for this project are from USDA and CWSRF. USDA will provide a loan in the amount of \$170,000 and a grant in the amount of \$486,000; CWSRF ARRA will provide funding in the amount of \$640,000 with 100% in Principal Forgiveness.

The loan will be secured by a General Obligation bond; the interest rate for the loan will be 2%. During construction, interest payments will be required semi-annually. After completion of the project, the Principal will be 100% Forgiven.

Based on the sound financial status of the County, and positive health and environmental impacts of the project, the Financial Assistance Branch recommends that the Council approve a binding commitment for a \$640,000 loan with a 2% interest rate with 100% principal forgiveness at the completion of the project.

Motion made by Mr. Medlarz, seconded by Mr. Bross to approve this funding request.

A question was asked as to why this project is getting 100% principal forgiveness and the prior request is not. It was stated that everyone agreed that due to the 57 EDU's and this being a public environmental health hazard, 100% principal forgiveness was appropriate.

The motion passed with the majority votes. Due to their affiliation with this project, Mr. Beetschen and Mr. Stickels abstained from voting.

Sussex County – Inland Bays WWTF Expansion Request

This project provides expansion of the Inland Bays Regional Wastewater Facility to 2 Million Gallons per Day (MGD). The Water Pollution Control Revolving Fund (WPCRF) application contained a Preliminary Engineering Report; Environmental Assessment, Environmental Screening Checklist, and an Outline of Public Participation. After a technical review it was established that a public notification of the Finding of No Significant Impact (FONSI) would be necessary and is currently being processed. This project meets all necessary State Revolving fund requirements and the applicable state environmental laws.

The total project cost is \$15.5 million; other sources that will provide funding for this project are from USDA and the CWSRF. USDA will provide a loan in the amount of \$6.4 million and a grant in the amount of \$1.3 million; CWSRF ARRA will provide funding in the amount of \$1.75 million with 100% in Principal Forgiveness and a CWSRF loan in the amount of \$5.77 million.

The loan will be secured by a General Obligation bond; the interest rate will be 2% if under contract by December 30, 2009; Semi-annual interest payments will be required during construction; and after completion of the project, \$1.31 million CWSRA ARRA loan will be forgiven. The remaining portion will be amortized over 20 years.

Based on the financial status of the County, and positive environmental impact of the project, the Financial Assistance Branch recommends that the Council approve a binding commitment for two loans; a CWSRF ARRA in the amount of \$1.7 million and a base CWSRF in the amount of \$5.77 from the WPCRLF.

There was a discussion on the amount of the Principle Forgiveness. It was asked what the basis was to forgive more than half of the loan. It was stated that the rationale was due to affordability and keeping the costs reduced for connection fees and other user fees. Without the stated principle forgiveness this project would add an addition \$48.00 to the current existing fees for residents. It was suggested that in the future these requests include a more detailed description of what the project entails and more description on the user rates for these projects, level of treatment and maps with any comments made by the Office of State Planning.

Motion made by Mr. Bross, seconded by Mr. Stickels. Motion passed unanimously.

REPORTS

Administrators' Reports

- A. Wastewater
 - i. Project Updates

South Coastal Regional Wastewater Facility (SCRWF) Expansion Phase I is complete; Phase II has final balancing change orders under review; Town of Georgetown Wastewater Collection System Expansion and Upgrades construction is complete; the punch list and final inspection is pending; Town of Laurel Wastewater Treatment Plant Upgrade and Expansion construction is complete; final change orders are pending and decommissioning of lagoon #3 is underway. Other project updates are the Town of Delmar has a project under construction; Pinetown project is complete; and Seaford project is 95% complete.

- ii. ARRA and Base CWSRF Municipal Loan Applications Status

ARRA projects have to be under the Federal guidelines by February 2010. A list of the projects was presented to the Council. In a prior meeting, it was approved by the Council that non-Stimulus funded projects with 2% interest rate had to be under contract by December 30, 2009; Mr. Deputy requested to extend that date to March 31, 2010 to allow internal processing of these projects to complete a financial and environmental review for these projects. It was stated that it was necessary since the Financial Assistance has two fairly new Engineers.

Motion made by Mr. Stickels, seconded by Mr. Beetschen to extend the date to March 31, 2010. Motion passed unanimously.

Green Project Reserve Workshop Update

The 11 Green Project Reserve (GPR) projects submitted to EPA were all approved by EPA; 8 of the projects are from the funding list and 3 projects are alternate projects. The Safe Haven Animal Sanctuary project request was reduced from \$950,000 to \$231,400 due to ineligibility and differential funding for portions of the project.

Funding is sufficient for all 8 project requests; \$316,220 will be used for the New Castle Conservation District Little Mill Creek project #9; that project is estimated to cost \$800,000. Due to the Council's recommendation to not fund partial scope projects, the New Castle Conservation District has agreed to provide funding the remaining loan.

The GPR workshop provided applicants with a detailed overview of CWSRF and ARRA project requirements, loan application process, and loan repayment. Completed loan applications are due on or before July 3, 2009.

All loan applications will undergo a financial review but only some of the applications will undergo an environmental review. Projects that are required by MS4 permits must undergo an environmental review.

Projects may be available for the Council's approval by the August meeting. GPR borrowers, project sites, records, and completed projects may be subject to announced and/or unannounced visits by the U.S. Office of Inspector General (OIG) to ensure that the projects are in compliance with ARRA requirements. It was stated that OIG received \$20 million nationwide to provide money for overspending projects. They have visited Delaware and are scheduled to visit with DNREC staff in July.

B. Financial Reports

i. Cash Flow Model

It is projected that \$93.3 million will be used for CWSRF projects funded by March 31, 2010; \$49.6 million for existing CWSRF funding; \$25.18 for possible USDA co-funding; and \$18.4 million for the ARRA projects that must be under contract or in construction by February 17, 2010. All municipal loan applications have been received.

Mr. Deputy discussed the difference between obligated funds and disbursed funds from a cash flow perspective. On average, municipal wastewater projects take at least 2 years to complete construction. Obligated funds reflects the money committed to wastewater projects while disbursed funds represent actual money that has been spent for projects. The difference is the cash flow opportunity to fund additional projects, given new funding and loan repayments.

The following summarized Financial Report was presented to the Council for the month ending May 2009:

					(Millions of \$)	
					Obligation of Funds	Disbursement of Funds
Actuals Through May, 2009						
Source of Funds						
Cap. Grants + State Match - Admin					\$ 152.4	\$ 152.4
SRF Loan Repayments					\$ 45.4	\$ 45.4
NPS Loan Repayments					\$ 6.7	\$ 6.7
Investment Interest					\$ 8.6	\$ 8.6
					\$ 213.1	\$ 213.1
Total Approved Loan Dollars:						
42 Municipal Loans					\$ 181.8	\$ 162.0
NPS Loans					\$ 11.3	\$ 11.3
					\$ 193.1	\$ 173.3
Balance Available for Loans					\$ 20.0	\$ 39.8
Projected June 1, 2009 through June 30, 2010						
Source of Funds						
Pending FY10 Stimulus Grant					\$ 18.5	\$ 18.5
Pending FY10 Cap. Grant + State Match					\$ 3.8	\$ 3.8
SRF Loan Repayments					\$ 11.9	\$ 11.9
Investment Interest					\$ 0.7	\$ 0.7
					\$ 34.9	\$ 34.9
Loan Dollars						
Municipal Loans					\$ 69.2	\$ 12.9
NPS Loans					\$ 1.0	\$ 1.0
					\$ 70.2	\$ 13.9
Balance Available for Loans					\$ (35.4)	\$ 20.9
Cumulative					\$ (15.4)	\$ 60.7

At the April meeting, the Council asked for a cash model to show the financial impact of funding a proposed project on the ability of the Federal and State Investment and repayment monies to finance additional projects.

Mr. Deputy presented the Council with charts showing the capitalization grant – state match amount; cumulative amount; additional income; principal and interest; investment interest; total from all sources of funding; and loan commitment.

He stated that as long as loan disbursements cumulative amount stays positive there is money to disburse for additional projects. This amount can stay in the positive since projects pay interest during construction.

The Council had concerns that there were assumptions in the Cash Flow Model that cannot be met but it was stated that they are conservative assumptions that are based on estimates and as repayments are received from loans the model will be updated.

Mr. Corrado recommended that prior to Council meetings the Cash Flow Model goes through the Finance Subcommittee.

ii. 21st Century Fund Account

21st Century Fund report was presented for the month ending May 2009. In the Infrastructure Planning Account there is \$0; in the Wastewater Management Account there are \$1.5 million. It is anticipated that funds will be received from projects that did not use the entire loan amount

from the 21st Century Capitalization money. In the Clean Water State Match there is \$0.

The money previously available in the Clean Water State Match has been reverted to the State of Delaware due to the current budget crisis. There is a total available balance of \$1.5 million in the 21st Century Fund.

There was concern that since the Clean Water State match money was taken to balance the state's budget that they may lose the \$1.5 million in the Wastewater Management Account. It was stated that projects need to be identified to use the Wastewater funds. In order for projects to qualify for these funds, the user cost has to be above 1.5% of the medium household income.

It was asked if some of the Green Project Reserve projects can be funded using these funds. It was stated that it is at the discretion of the Council but the epilogue would need to be considered also. It was stated that the municipal projects listed on the Cash Flow Model may need some of these funds but that won't be known until a Financial Analysis is completed on the projects.

Mr. Deputy was informed by the Department Finance Officer, who was present at the meeting, that there is no danger of losing these funds because of the current State economic crunch.

iii. Non-Point Source Loan Activity

Mr. Deputy gave an analysis of the CWSRF Non-point Source Poultry loans. To date there are 763 loans for \$6.31 million between FY 94 to FY 09. Out of those loans 695 loans (91%) are paid in full or current; 31 loans (41%) are 0 to 90 days past due; 16 loans (2%) are 91 to 180 days past due; 8 loans (1%) are 181 to 270 days past due; 5 loans (1%) are 271 to 365 days past due; and 23 loans (3%) are more than 1 year past due. The Financial Assistance Branch staff is working with Mr. Bill Satterfield from the Delmarva Poultry Industry to resolve the past due accounts.

Out of 83 loans (11%) past due accounts, 53 payments have been received in the last 90 days but the accounts still remain past due. Out of 41 loans, 26 have changed integrators; 3 are in bankruptcies; 7 accounts are in collections with the Division of Revenue; 1 has stopped paying, and 4 are no longer growing.

It was asked as it is done with the Septic Elimination funding where a lien is placed on the property if the same thing could be done with the Poultry accounts. It was stated that physical equipment has a UCC lien placed which will prevent the borrower from selling the equipment.

It was stated that the past due account is a reflection of the impact of the economic climate for Poultry producers. Poultry is not selling like before and is causing the producer to make as many flocks a year as before. It was also stated that if a Poultry producer doesn't complete the paperwork when they change integrators, the accounts will not get paid because the contract with one integrator doesn't follow if you move to another integrator.

SUBCOMMITTEES' REPORTS

A. Wastewater

Meeting have been set up with DEDO and the Department of Agricultural to discuss Beneficial Reuse. The meetings are scheduled for June. There was also an attempt to schedule a joint meeting with the Surface Water and Wastewater subcommittees to discuss planning grants. An attempt to reschedule that meeting will be made again.

B. Surface Water Management

The Surface Water subcommittee has held two meetings. At the most recent meeting, per suggestion of the Chair, the committee discussed the issue of unexpended allocated 21st Century funds. Mr. Piorko gave a presentation to the Council on the committee's recommendations.

There have been several discussions regarding the 21st Century fund beginning with Secretary John Hughes. Secretary Hughes indicated that necessary changes for the way projects are funded and reallocated under this account needed to be made.

Due to the budget crisis, discussions for this program were put on hold. Recently, discussions on this program were held with the Surface Water Subcommittee and internal discussions with DNREC and the Conservation Districts were held about the funding for the future.

For the benefit of new Council Members, Mr. Corrado asked Mr. Piorko to explain the Surface Water funds and how much money has gone into it and how much money has been spent.

Mr. Piorko stated that this program was created by Legislators for drainage infrastructure for small capital improvement projects. With Legislative discretion, those funds were passed along to DNREC's Division of Soil and Water and the Conservation Districts for projects. Within 15 years, there has been approximately \$70 million appropriated funds and \$35 to \$40 million worth of projects accomplished. Some projects may be fully funded with this program appropriating 75% and the remaining 25% appropriated from another matching source.

Following are the recommendations for appropriating those funds:

- Current 21st Century projects should be rebalanced with the remaining funds, which are approximately \$15 million, being re-allocated among projects within the same Conservation District or County and within the same legislative district. The \$15 million should be re-allocated to priority projects so that all priority projects are fully funded at 75% of the project estimate. The remaining unfunded projects would remain on the list for future funding.
- Any projects having 21st Century funds associated with them that are discontinued with legislative concurrence under a Clean Water Advisory Council (Council) priority setting process, the associated project funding and accumulated interest, will remain within the Conservation District from which the project originated and would roll over to the next Fiscal Year's funds for allocation among priority projects within that Conservation District.
- Authorized projects and associated funding scheduled for completion or under contract on or before June 2010 will be held in reserve in order to complete these projects.
- A new funding process under the direction of the Council should be developed in FY 2011 with several categories of projects that could be considered for different sources of funds. The categories might include:
 - Small projects under \$25K which could be fully funded with community transportation funds, private cost sharing or local government match
 - Priority projects fully funded 75% with 21st Century RCD money from \$25K to \$500K
 - Large Capital Improvement projects greater than \$500K that could rely on a DE CWSRF loan funds or a specific Bond Bill appropriation or a combination thereof.

- A Project Priority List of new projects presented by the Council to the Bond Bill Committee would have any appropriated funds within the same Conservation District or County allocated to the project list so that all projects were fully funded at 75% until the allocated funds were exhausted.
- The Subcommittee shall consider all eligible projects as defined by the current Joint Legislative Committee on the Capital Improvement Program rules. A representative from the Bond Bill Committee and/or the Office of the Controller General will be available to advise the Subcommittee as it evaluates and determines priority Surface Water Management projects.
- No amount of 21st Century project funding in any Conservation District shall be used to fund watershed or drainage studies unless the studies are determined by the Conservation District or DSWC to be directly related to the implementation of an eligible project or projects.
- The Council's Surface Water & Finance Subcommittees will develop and present to the Council their draft criteria for ranking and establishing a priority list of 21st Century Fund projects for each Conservation District and DSWC.
- Use the 6 month window from July 09 until January 10 to meet with DNREC, the Council, Legislative and Conservation District personnel as a workgroup to consider these and other recommendations for the 21st Century funding.

Mr. Corrado commended Mr. Bross, Mr. Piorko and the Surface Water Subcommittee for a job well done in creating these recommendations. He stated that he agrees that a draft proposal should be created within the next 6 months to present to the legislators for when they commence in January.

Motion made by Mr. Manus, seconded by Mr. Dvornick to accept the recommendations. Motion passed unanimously.

C. Public Outreach

Mr. Manus reported that he contacted DNREC's Public Affairs office and they told him that they cannot assign a staff member full time to work with the Subcommittee to get the newsletter out but they can provide some editing assistance. He stated that he will schedule a meeting with Mr. Piorko and Dr. Bunting-Howarth to discuss staff issues and assistance for getting the newsletter out.

D. Finance

Mr. Burger reported that they have not had a meeting but would like to schedule a joint meeting with the Surface Water Management Subcommittee meeting. He also proposed that one more Council Member be selected to join his subcommittee.

OLD BUSINESS

None

NEW BUSINESS

Rapid Infiltration Basins – Scott Andres Presentation

Mr. Scott Andres gave a presentation to the Council on Rapid Infiltration Basins. His presentation consisted of an overview on Delaware specific water quality risks from Rapid Infiltration Basins Systems

(RIBS) and Soil Act Treatment (SAT) for Nitrogen, Prosperous, and toxics; what is the recharge benefit; and how to use screening tools for hydraulic factors using new technology.

He presented an illustration of a risk area which was a cross section in eastern Sussex Long Neck. It is a working system in a heavily intensified poultry developed area that was used for poultry production for many years. At this site after 10 to 15 years of poultry production they created about 4.5 million gallons of water that was used to nitrate nitrogen.

The Recharge Benefits to Rapid Infiltration Basin is that there are no widespread saltwater intrusion problems; disposal target is Columbia aquifer, a good source of drinking water and stream flow; there is significant redistribution of water in a wide area collection and disposed to a small area; local changes to flow directions in streams and swamps should be expected; and has the potential for storage limited by shallow water table, short flow paths, and rapid velocities.

For Nitrogen in groundwater, there are two sets of regulations; one is for drinking water and one for environmental standards. Delaware geology promotes nitrification but not de-nitrification. The compliance monitoring systems in place now should be empirically determined site by site. Additional safeguards, experimentation, and technology will improve performance and lower contamination risks.

For Prosperous in groundwater there is a regulatory loophole. There are no groundwater standards for prosperous. Prosperous sorption/leaching are a problem for Delaware geology. Prosperous put into the rapid infiltration basin system moves to the water table and is mobile in groundwater. EPA guidance is also inappropriate for Delaware. Additional safeguards, experimentation, and technology will improve performance and lower contamination risks.

The risks and unintended consequences for Delaware geology face a problematic risk of releasing naturally occurring absorbed metals and Prosperous to groundwater. These problems are being encountered internationally. There is significant problems for transporting metals and prosperous to nearby wells and streams. Groundwater compliance monitoring systems should include tests for materials that are not expected to be in effluent. Additional work is needed to more fully understand and reduce risks to our groundwater.

A question was asked if the release of absorbed metal can be counteracted by discharging balanced water with lanleer. It was stated that would not be an appropriate form for Delaware.

It was asked if a mapping of Kent County was completed. It was stated that a mapping has been done of all three Counties. They all had similar results.

Mr. Corrado asked Mr. Scott if his group would be willing to work with the Wastewater Subcommittee to develop criteria to determine eligibility for Beneficial Reuse. Mr. Scott stated that his research team is willing to work with the Council on this issue.

Forest Land Conservation Subcommittee

Mr. Manus gave a presentation on Forest Land Conservation Easements. He stated that a working group should be developed to explore the possibility of using Forest Land Conservation Easements to deal with some wastewater treatment issues and Non-point source pollution. Protection through easements is much easier and cheaper than restoration. In looking at this process he realized that it is a good fit with the Markell Administration and their desire to recognize the value of and protect ecological services. It is also a great program to break down silos and leverage existing programs.

Mr. Manus requests that the Council appoint a working group Chair and suggest members. The working group's agenda should include review of similar EPA approved programs in other states; to assess the applicability of the Delaware Department of Agriculture's Forestland Preservation Program and other like programs as a mechanism to secure such easements; and investigate and recommend potential sources of funding.

If approved by the Council, the next steps would be to identify targeted watersheds in which to focus such a program; present working group findings to full Council at the September/October 2009 meeting; and if approved by Council have a pilot project selected to test proof of concept by the November/December 2009.

Motion made by Mr. Bross, seconded by Mr. Burger to accept as a path forward. Motion passed unanimously.

Future CWAC Meeting Dates

The next Council meetings are schedule for August 19, October 21, and December 16. All meetings will be held at the Delaware Technical and Community College, Terry Campus, Dover.

PUBLIC COMMENT

Mr. Baker thanked the Council for approving the projects for Sussex County.

GOOD OF THE COUNCIL

None

ADJOURNMENT

Next meeting will be held on August 19, 2009 at Delaware Technical and Community College, Terry Campus, Dover in Conference Room 400A beginning at 9:00 am.

Motion made by Mr. Burger, seconded by Mr. Medlarz to adjourn the meeting. Meeting adjourned at 11:30 am.